

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 2:14-cr-09-04

v.

HONORABLE PAUL L. MALONEY

CHRISTOPHER WAYNE BROW,

Defendant.

/

MEMORANDUM OPINION AND ORDER

Defendant Christopher Wayne Brow has filed a motion for modification or reduction of sentence pursuant to 18 U.S.C. §3582(c)(2) based on the modification of the Drug Quantity Table with respect to drug quantity. The United States Probation Office has filed an Eligibility Report indicating defendant appears to be ineligible for consideration of modification of sentence (ECF No. 240). Defendant has filed a *pro se* objection to the report (ECF No. 243)

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to drug quantity, and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10(c).

After consideration of the eligibility report and the defendant's objection, the Court determines the defendant is not eligible for a sentence modification. Defendant was sentenced on

December 22, 2014, after modifications to the Sentencing Guidelines pursuant to Amendment 782 became effective. At sentencing, the defendant was held accountable for at least 50 but less than 150 grams of methamphetamine, which resulted in a base offense level of 30. This reflects the defendant's guideline range was calculated using the Guidelines as amended. Accordingly,

IT IS HEREBY ORDERED that Defendant's motion modification of sentence pursuant to 18 U.S.C. § 3582(c)(2) (ECF No. 234) is **DENIED**.

Date: August 1, 2016

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge